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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,945

08/11/2005

Adrianus Marcus

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8308

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7590

04/02/2008

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,945	Applicant(s) MARCUS, ADRIANUS	
	Examiner STEVEN M. MARSH	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 22-32 is/are rejected.
- 7) ☒ Claim(s) 18-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first office action for U.S. Application 11/522,945 for a Cable Storer filed on August 11, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-17, 22, 23 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 10-17, 22, 23, and 25-30, in general, recite limitations with insufficient antecedent basis. For examination purposes, it is assumed that claims 10, 12, 16, 22, 25, and 28 are depending on claim 7, rather than claim 6, and that claims 14 and 15 are dependent upon claim 13, rather than claim 1. Taking into consideration the confusing nature of the claims, the claims will be examined to the best extent possible.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 7,172,150 to Hutchison II et al (Hutchison). Hutchison discloses a cable storage comprising a housing (20 and 52) with a cable (54) inserted therein. The housing comprises at least one cable inlet (44) and one cable outlet (46) arranged opposite the inlet, and wherein the cable is inserted into the housing in substantially concentric circles and enters the housing through the cable inlet and exits through the cable outlet. The inlet and outlet are arranged on the outer periphery of the housing, characterized in that the cable is inserted according to an insertion pattern which is chosen such that parts of the cable are pre-twisted in different directions (one end is twisted to go out of the inlet and the other the outlet in the opposite direction). The housing comprises at least one housing frame (20) and one cover (52), and there is a bottom element arranged in the area of the semi-circular base portion. There is also a bottom element (30) arranged in the area of the base. Claims 2-5 contain limitations to the process by which the cable is inserted before reaching a circular position. However, the process does not limit the product's structure and therefore the limitations to the finished product are being considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 16, 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchison. Hutchison fails to disclose two U-legs with a semi-circular bottom or the material that the cable storage is made of. However, the specific shape is a matter of design preference and the decision to utilize a circular shape or an oval shape (inherently would have two legs with a semi-circular bottom) is a matter of design preference. The features of claims 8 and 9 would be inherent in the resultant structure. With respect to claims 25-27, Hutchison discloses the cover as slightly larger than the area between the outer portion and the cover has a portion (the sides) extending downward towards the housing. There are also openings in the cover (62, 66) in the area of the border for fixing of the cover on the housing frame that could also be used for attachment of a bracing element. With respect to claims 28-30, the housing frame has holding projections (42, 48) on both sides of the housing opposing the semi-circular portion and formed as angle plates. With respect to claims 31 and 32, the specific type of material is a design preference and it would have been obvious to one of ordinary skill in the art to make the cable storage of a known material such as aluminum.

Allowable Subject Matter

Claims 10-15, 17, 22, and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 1692517 to Benson

US 2052341 to Douglass

US 2449464 to Eypper

US 2656991 to Neely

US 5094396 to Burke

US 5915640 to Wagter et al.

US 6065708 to Matsubara

US 7017846 to Tsoi et al.

The above patents disclose cable storage units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./

Examiner, Art Unit 3632

Steven M. Marsh

March 24, 2008

/Korie H. Chan/
Korie H. Chan
Primary Examiner
Art Unit 3632